

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARC REICHBART, individually  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER  
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-01876-NIQA

CLASS ACTION

JOSEPH STALLONE, individually  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER  
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-01901-NIQA

CLASS ACTION

ALISON CROTEAU, individually  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER  
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-01946-NIQA

CLASS ACTION

KEVIN BROOKS, individually  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER  
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-02007-NIQA

CLASS ACTION

JESSE R. APTHORP, individually  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER  
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-02024-NIQA

CLASS ACTION

MICKEY HWANG, individually  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER  
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-02033-NIQA

CLASS ACTION

SOPHIE CAHEN VORBURGER, individually  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER  
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-02045-NIQA

CLASS ACTION

DANA KERR, individually  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER  
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-02075-NIQA

CLASS ACTION

DERRICK VINES and BRADFORD WICKS,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

FINANCIAL BUSINESS AND CONSUMER  
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-02085-NIQA

CLASS ACTION

GRIFFIN R. WAGNER, individually  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER  
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-02119-NIQA

CLASS ACTION

JEROME FRASIER, individually  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER  
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-02121-NIQA

CLASS ACTION

DUSTIN BUSBY, individually  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER  
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-02129-NIQA

CLASS ACTION

TIMOTHY COURTNEY, individually  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER  
SOLUTIONS, INC. d/b/a FBCS, INC.,

Defendant.

Case No. 2:24-cv-02153-NIQA

CLASS ACTION

ONIEQUE MORGAN, individually  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER  
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-02163-NIQA

CLASS ACTION

TALEYIA WILLIAMS, individually and on  
behalf of all other similarly situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER  
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-02642-NIQA

CLASS ACTION

JASON DOZAL, individually and on behalf of all  
other similarly situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER  
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-02775-NIQA

CLASS ACTION

CYNTHIA SOTO, individually and on behalf of  
all other similarly situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER  
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-02778-NIQA

CLASS ACTION

**PLAINTIFFS' JOINT REPORT ON ATTORNEY DESIGNATIONS**

Pursuant to the Court's June 28, 2024 Order (ECF No. 20), the Parties submit this Joint Report to apprise the Court of their meet and confer efforts in connection with the appointment of Interim Co-Lead Counsel, the Plaintiffs' Executive Committee, and Liaison Counsel. Plaintiff Marc Reichbart, along with counsel for plaintiffs in *Stallone*, *Croteau*, *Brooks*, *Cahen Vorburger*, *Hwang*, *Kerr*, *Wagner*, *Busby*, *Morgan*, and *Dozal*—representing 11 of the 17 related cases—are pleased to report to the Court that all plaintiffs' counsel who have expressed an interest in a leadership position in this litigation have reached consensus and agreement on a structure for Plaintiffs' proposed leadership, including the Attorney Designations and responsibilities of each Attorney Designation.

Counsel for Plaintiff Reichbart consulted with counsel for Defendant Financial Business and Consumer Solutions, Inc. (“FBCS”), and FBCS takes no position with respect to Plaintiffs’ proposed Attorney Designations, or the responsibilities associated therewith.

**A. Relevant Background**

As the Court is aware, the above-captioned putative class actions arise out of a data breach involving FBCS, that reportedly compromised the private and sensitive information of the plaintiffs and over 3.4 million other individuals. Plaintiff Reichbart filed the initial case in this Court on May 2, 2024. Since that time, 16 additional related cases have been filed and are pending before this Court.

On May 22, 2024, Plaintiff Reichbart and numerous other plaintiffs (referred to in their leadership motion as “Coordinated Plaintiffs”) filed an amended motion to consolidate and appoint interim class counsel. ECF No. 8. The amended motion sought to consolidate the cases then pending in this Court and requested that the Court appoint an inclusive leadership team comprised of plaintiffs’ counsel from the *Reichbart* and *Stallone* actions, as well as others from subsequently filed cases. *Id.*

On May 31, 2024, Plaintiff Dustin Busby filed a motion to intervene in this matter, and requested the Court set a deadline for filing competing motions to appoint interim class counsel. ECF No. 16. Coordinated Plaintiffs’ counsel did not oppose the request for a lead counsel briefing schedule (ECF No. 17), and the Court entered an Order on June 5, 2024, requiring that any responses to the Amended Motion be filed by no later than June 20, 2024 (ECF No. 18).

**B. Responses to the Coordinated Plaintiffs’ Amended Motion and the Court’s June 28 Order**

As of the June 20 deadline, only two<sup>1</sup> responses were submitted requesting inclusion in the leadership group that will eventually litigate the case against FBCS. The first submission was filed by the plaintiffs in the *Cahen Vorburger* and *Dozal* matters. *Reichbart*, ECF No. 15. In that submission, their counsel requested inclusion as a member of the Plaintiffs’ Executive Committee. *Id.*

The second submission was filed by a group of lawyers led by John Yanchunis of Morgan & Morgan on behalf of the plaintiff in the *Busby* action (“Busby Counsel”). *Reichbart*, ECF No. 19. The Busby Counsel group requested to be appointed as interim class counsel over the Coordinated Plaintiffs’ counsel’s proposed leadership group.

As a result of the above filings, on June 28, 2024, the Court entered an Order directing the parties to meet and confer and to submit a Joint Report by July 12, 2024, providing their positions on Attorney Designations and outlining the responsibilities of each designation. ECF No. 20.

**C. The Parties’ Meet and Confer Efforts; Attorney Designations and Responsibilities of Each Attorney Designation**

At the direction of the Court, Coordinated Plaintiffs’ counsel, counsel for Plaintiffs Cahen Vorburger and Dozal, and Busby Counsel met and conferred in an effort to agree on a leadership structure to present to the Court. On July 3, 2024, Plaintiffs reached a universal agreement on the Attorney Designations, which will obviate the need for unnecessary leadership motion practice before the Court. Coordinated Plaintiffs’ counsel, counsel for Plaintiffs Cahen Vorburger and

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<sup>1</sup> An additional submission was filed earlier, on May 15, by counsel for Plaintiff Croteau (*Croteau*, ECF No. 4) in support of Coordinated Plaintiffs’ leadership group but requested inclusion as a member of the Plaintiffs’ Executive Committee. Counsel for Plaintiff Croteau already had been included in the Coordinated Plaintiffs’ proposed leadership team at the time of the June 5 Order. *See Reichbart*, ECF No. 8.

Dozal, and Busby Counsel submit the following proposed leadership structure and responsibilities:

**Proposed Interim Co-Lead Counsel:**

1. **Andrew W. Ferich** of Ahdoot & Wolfson, PC
2. **Jeff Ostrow** of Kopelowitz Ostrow P.A.
3. **Charles E. Schaffer** of Levin Sedran & Berman, LLP
4. **John A. Yanchunis** of Morgan & Morgan

**Responsibilities of Lead Counsel:**

- Coordinate communications with the Court;
- Coordinate communications and meetings regarding the litigation, including among the Plaintiffs' Executive Committee ("PEC") and additional plaintiffs' counsel;
- Coordinate all hearings and presentations for oral argument;
- Conduct—and coordinate with the PEC on the conduct of—discovery on behalf of plaintiffs;
- Oversee retention of and work conducted by experts hired to assist in the litigation;
- Coordinate case management communications with Defendant FBCS;
- Negotiate and enter stipulations with FBCS's counsel, including a stipulated protective order and ESI order;
- Communicate with FBCS's counsel as necessary to efficiently advance the litigation;
- Conduct settlement negotiations on behalf of plaintiffs and the putative class;
- Plan, prepare for, and attend any private mediation(s) or Court ordered settlement conference(s);
- Delegate specific tasks to and monitor the activities of the PEC;
- Should one become necessary, create and maintain a litigation fund; and
- Prepare a time-keeping protocol and collect all plaintiffs' counsel's time and report to the Court if required.

**Proposed Plaintiffs' Executive Committee:**

1. **Mariya Weekes** of Milberg Coleman Bryson Phillips Grossman, PLLC (**Chair**)
2. **Tyler Bean** of Siri & Glimstad LLP
3. **Jennifer M. French** of Lynch Carpenter, LLP
4. **Bart Cohen** of Bailey Glasser LLP
5. **Katherine M. Aizpuru** of Tycko & Zavareei LLP

**Responsibilities of the Plaintiffs' Executive Committee:**

- Lead vetting of plaintiffs for a consolidated complaint, including completion of plaintiff vetting questionnaires for each plaintiff being considered for inclusion in a consolidated complaint;
- Make recommendations to Interim Co-Lead Counsel about which plaintiffs to include in the consolidated complaint;

- Assist Interim Co-Lead counsel with researching law and drafting briefing, e.g., for a motion to dismiss opposition and a motion for class certification;
- Coordinate and draft discovery targeted at FBCS and subpoenas to be served on any third-party witnesses that may possess relevant information concerning the breach;
- Coordinate and draft responses to discovery served by FBCS directed at the named plaintiffs;
- Assist with preparing named plaintiffs for depositions, including coordinating with Liaison Counsel and counsel who represents the plaintiffs to be deposed;
- Assist Interim Co-Lead Counsel with retention of experts as needed and overseeing expert work in the case; and
- Assist Interim Co-Lead Counsel as needed with delegated tasks.

**Proposed Liaison Counsel / Executive Committee Member:**

**Samantha E. Holbrook** of Shub & Johns LLC

**Responsibilities of Liaison Counsel:**

- Serve as the primary contact point between the leadership team and those plaintiffs' counsel who filed cases but did not seek appointment;
- Assist with ensuring compliance with local practice in the Eastern District, including compliance with the Local Civil Rules;
- Attend hearings or conferences before the Court at the direction of Interim Co-Lead Counsel;
- Ensure that notices, orders, and material communications are properly distributed and served (to the extent that they are not otherwise served on plaintiffs' counsel via the Court's electronic filing system); and
- Assist Interim Co-Lead Counsel and the PEC as needed with delegated tasks.

Should the Court be inclined to approve this proposed leadership proposal, proposed Interim Co-Lead Counsel will submit a Proposed Order on Attorney Designations for the Court's consideration.

Dated: July 9, 2024

Respectfully submitted,

/s/ Andrew Ferich

**AHDOOT & WOLFSON, PC**

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*Proposed Interim Co-Lead Counsel*

Mariya Weekes (admitted *pro hac vice*)  
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*Proposed Interim Chair of Plaintiffs' Executive Committee*

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*Proposed Plaintiffs' Interim Liaison Counsel and Executive Committee Member*

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*Proposed Plaintiffs' Interim Executive Committee  
Members*

*\*pro hac vice to be filed*

**CERTIFICATE OF SERVICE**

The undersigned certifies that on this 9<sup>th</sup> day of July 2024, a true and correct copy of the above and foregoing was filed with the Clerk of Court via the Court's CM/ECF system for electronic service on all counsel of record.

Dated: July 9, 2024

/s/ Andrew Ferich

Andrew Ferich (PA I.D. 313696)